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1861 [Document A.]

BY THE HOUSE OF DELEGATES,

December 4, 1861.

Read and 5,000 copies ordered to be printed.

MESSAGE

OF THE

GOVERNOR OF MARYLAND,

TO THE

GENERAL ASSEMBLY.

Special Session, December, 1861.

ANNAPOLIS:
THOMAS J. WILSON.
1861.

MESSAGE.

Gentlemen of the Senate,
and of the House of Delegates:

I HAVE called together the General Assembly of Maryland n anticipation of the regular Session in January; and it is proper I should briefly recount the events and state the reasons which have led me to that determination.

About the time at which South Carolina passed her Ordinance of Secession, and during several months thereafter, I was importuned to convene the Legislature.

It was urged, with great zeal, that the People of Maryland should have an opportunity of saying whether they would remain loyal to the Government framed by our fathers, or join the seceded States in their mad crusade against the continuance of the Union.

It was alleged that if the Legislature should be convened it would either call a sovereign Convention, or submit to a vote of the people the grave question whether they desired such a Convention to assemble.

The strenuous effort to induce me to call together the Legislature having failed, I was then earnestly desired to submit to the People, by Proclamation, the question whether or not they wished a Convention to be assembled. I declined to accede to this request because, under the Constitution, I possessed no such power.

In thus persistently refusing to comply with those propositions, I am well aware that I assumed a grave responsibility. But I was satisfied, nevertheless, that I was but performing what, to me, seemed to be a clear and simple duty. And for the consequences I was then, and am now, willing to rely upon the justice and good sense of my fellow-citizens; to whom it is due that I explain, as briefly as I can, the reasons which induced my course.

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I believed that I was thoroughly acquainted with the proclivities of a majority of the Members of that Legislature. I was perfectly convinced that they desired Maryland to leap, no matter how blindly, into the vortex of secession. I believed the same to be true of the most of those citizens who so persistently urged the assembling of the Legislature. I was, therefore, unwilling to allow that Body an opportunity so to misuse its great power; not doubting that, in imitation of the Legislatures of the then seceded States, it would exert that power to the great detriment of the People of Maryland.

It is true that I earnestly desired the People to have an an opportunity of expressing their will at the ballot-box, in regard to the position of Maryland, and I would most cheerfully have afforded them such opportunity if I had possessed the constitutional power to do so, in any other way than by convening the Legislature.

But I could not trust that Body in so momentous a crisis. I did not believe the people could possibly have a fair and free expression of their will under the provisions of any law for that purpose which might be enacted by that Legislature. I was sure that through some juggle Maryland would be forced to secede. I need not speculate here in regard to the mode by which this would have been accomplished; whether by the bayonet or by some other equally cogent or persuasive process. I merely assert that I believed the plans of the secessionists would have been accomplished if they had had the great power of the Legislature to aid them.

I was, during all that time, positively convinced that a majority of the people of Maryland did not wish the State to secede. They knew that the secession of Maryland would attempt to carry with it the possession of the National Capital; and knowing also that our Northern and Western brethren could not be expected to acquiesce peaceably in such a step, I concluded that our people were not insane enough to wish this State to become one vast battle field and our homes made desolate.

I continued, then, to refuse to convene the Legislature. I hoped that nothing but *time* was needed to cause even zealots for secession to change their opinions; or, at least, forbear their designs. In this, it appears, I did not accurately measure the extent of their madness.

But I did not know how much I erred in this regard, until my eyes were opened by the occurrences in Baltimore on the 19th of April, and the subsequent events connected with that treasonable outbreak.

I then concluded that I could not hope to gain much more

time in which the misguided mob might see its error. And, when Coleman Yellott, Esq., the late Senator from Baltimore city, after advising with the Board of Police Commissioners, and instigated by the more prominent of the conspirators, unlawfully issued his "Proclamation" for an assembling of the Legislature at Baltimore, where a large portion of the secession element would be congregated, I knew it was time for me to act. True, I might then have called upon the President of the United States to quell the insurrection, but this would almost certainly have caused the destruction of the city of Baltimore. I might have called out the militia to endeavor to restore quiet, and indeed, I did make an effort to that end. But I discovered that nearly all the officers were in league with the conspirators, and the volunteer corps of the city and vicinity, which possessed arms, were almost entirely in the same category. It is true, there was a considerable loyal military force in Baltimore, but it was undisciplined and entirely unarmed. So that if I had effectively called out the militia, at that time, I should have actually assisted the conspirators in their designs.

I concluded, therefore, after anxious deliberation, that there was but one course left to me. I summoned the Legislature to assemble *at Frederick city*, in the midst of a loyal population, on the 26th day of April, believing that even the few days thus gained would be invaluable.

By the merciful intervention of Providence this step accomplished my full purpose. The State could not secede and bloodshed was averted from our soil.

The history of that Legislature is before the country. Not only did it fail to do its duty, as representing a loyal State, but it actually passed treasonable resolutions, and attempted to take, unlawfully, into its hands both the purse and the sword, whereby it might plunge us into the vortex of secession. It was deterred from doing this latter, only by the unmistakable threats of an aroused and indignant people.

Restricted in the duration of its sessions by nothing but the will of the majority of its members, it met again and again; squandered the people's money; and made itself a mockery before the country. This continued until the General Government had ample reason to believe it was about to go through the farce of enacting an ordinance of secession; when the treason was summarily stopped by the dispersion of the traitors.

Inasmuch as the Legislature in ordinary times is presumed to represent the people of a State, the treasonable action of the late Senate and House of Delegates has apparently

placed Maryland in an attitude of hostilty to the General Government, and her Union-loving people in a false and unwarrantable position. I say apparently, because the votes of the people on the 13th of June, and again on the 6th of November, have declared in most emphatic tones, what I have never doubted, that Maryland has no sympathy with rebellion and desires to do her full share in the duty of suppressing it.

Looking, therefore, to the evil done by your predecessors, and deeming it impossible to mistake the wishes of the people, as expressed at the ballot-box, I have not hesitated to convene your Honorable Bodies in special session, in order that you may, at once, perform the will of the people, by taking such steps, as will, in your wisdom, seem most effective to vindicate the honor and loyalty of our State.

I have such confidence in the courage, ability, and patriotism which I know to exist in this Senate and House of Delegates that I might well here conclude this communication. I feel sure that no topic on which you should take action will escape your discernment. But in accordance with custom, and with the requirements of my duty, I herewith respectfully offer some brief suggestions in regard to the more prominent topics which demand your immediate and careful attention.

The tax-payers in Maryland are looking with great interest for your action in regard to the best method of raising the money which is required to pay our proportion of the National Tax levied by Congress to aid in defraying the expense of the war, and also the other sums which will be necessary to enable this State to follow her own former patriotic example and that of her loyal sisters.

Our proportion of the National Tax amounts to the sum of four hundred and thirty-six thousand, eight hundred and twenty-three dollars, and thirty-three cents; and Congress has allowed 15 *per centum* of this sum to be retained by us to defray the costs and charges of collecting the same.

It is impossible for me to offer any estimate of the amount that will be necessary for the other purposes I have indicated. But I look upon the whole subject as one in which dollars and cents should not be regarded. The rebellion is to be put down, no matter at what cost. Our State must bear her share of the expense and our people have shown their desire to do so by casting an overwhelming majority of their votes in favor of the maintenance of the Union.

Yours, then, should be no niggard hand. In this case, liberality will be economy; and the people look to you thus to vindicate their devotion to the Government.

A Direct Tax, to raise the necessary amount would, in my opinion, fall heavily upon the people at this time, because of the partial prostration of mercantile and industrial pursuits. Of course, if the money can be procured in no other way, Direct Taxation must be resorted to. But, as such a tax is always unacceptable, and would be onerous, under all the circumstances, I trust you will be able to devise some method by which its imposition at this time may be avoided.

The Legislature being constitutionally empowered "to contract debts, to any amount that may be necessary for the defence of the State," it seems to me that the best method of raising the required sum would be to borrow, on the Bonds of the State, an amount sufficient for our purpose after deducting therefrom a proper proportion to be reserved as a Sinking Fund for their redemption.

The interest on the Bonds might be met by a very slight increase of the present small rate of direct taxation; which, so increased, would not amount to the rate so long and so cheerfully borne by our people when no rebellion threatened the Union. By thus pledging the State's credit, the people will be relieved from paying, at once, the debt which has been fastened upon us by the insane conduct of the rebels.—We shall also be spared the mortification which would certainly ensue in consequence of our inability to collect the necessary amount by Direct Taxation in due time to meet our obligations to the Government.

It may not be inappropriate to suggest here that you cannot reasonably expect any assistance, to meet the exigencies of such an occasion, from the current receipts into the Treasury. The Comptroller of that Department informs me that on the 30th of September, 1861, at the close of the fiscal year, the condition of the Treasury was as follows:

Balance on hand as of Sept. 30th, 1860, . .	$255,587 75
Receipts during the year, ...	960,813 08
	$1,216,400 83
Disbursed during the year, . . .	1,046,356 41
Leaving a balance of . . . as of Sept. 30th, 1861.	$170,044 42
Probable demands upon the Treasury for the current fiscal year, ...	$1,000,000 00
Amount of the Sinking Fund on the 30th of September, 1860, ...	$4,823,229 35
Accumulation therefor during the year, . .	231,189 02

Showing the actual invested Sinking Fund to be on the 1st Sept., 1861, . . .	$5,054,418 37
Remaining to the credit of the Fund Sept. 30th, 1861, ...	$40,919 62

More detailed information in regard to the condition of the Treasury can be readily obtained by you, on application to the Comptroller.

It is undoubtedly a strict duty, and also due to the pride and honor of the State, that you make immediate provision for raising and equipping Maryland's quota of the 500,000 volunteers called for by the President under the act of Congress authorising him so to do. I believe that quota can be raised without difficulty so soon as you shall advance the money to pay the expense of recruiting and equipping the troops.

In reference to this subject I need offer no suggestions as to details. We can find the patriotic example in our own Statute Book, at the first and subsequent sessions of the General Assembly of this State in 1777, by which ample provision was made for recruiting, equipping and clothing the quota of this State in the Army of the United States, and for furnishing relief to the families who needed it of those who had volunteered in defence of the Government.

At the March Session of 1778 was passed an act (chap. VIII) for the better security of the Government to which I respectfully invite your attention. The preamble recites "that the duties of protection and allegiance are reciprocal: and whereas, no man is entitled to the one who denies the obligation of the other," the law prescribes the oath of allegiance to this State and to the United States to be taken, repeated and subscribed by every citizen of this State under the penalties (in case of recusancy) and disqualifications therein stated. A thorough revision of the Militia Law and reorganization of the State Military is an imperative necessity at this time.

The anomalous condition of the municipal Government of the City of Baltimore demands immediate action on your part. The Police force of that city now receives its pay from the United States Treasury; and it is obvious that such a state of affairs should be permitted to exist no longer.

I transmit herewith a copy of a communication received from the Department of State, at Washington, in reference to fortifications within the limits of this State. I deem the subject to be of great importance, and I trust it will receive at your hands the consideration which it deserves.

I respectfully suggest the propriety of the re-enactment of former laws for the summary punishment of persons in Maryland who shall be convicted of aiding or abetting, in any manner, those who are in arms against the Government.

It is undeniable that, notwithstanding the careful watch kept by the Federal Officers, there are, in our midst, sympathizers with and abettors of the rebellion, who in some way, keep up communication with and give aid and comfort to the Confederates.

Let us endeavor to put an end to these nefarious practices by inflicting severe punishment upon these offenders against the peace of this State as well as against the United States. Such a course will, also, measurably relieve loyal citizens, in many parts of the State, from the numerous annoyances and persecutions, to which they have been so long subjected, at the hands of their secessionist neighbors; and which have undoubtedly increased to their present embarrassing proportions, because of the impunity with which men have heretofore been allowed to act treasonably.

The object and intention of the Government in the war forced upon it in defence of the Union, as declared in the patriotic proclamation of General Dix at restoring the flag in the counties on the Eastern Shore of Virginia, and of Gen. Sherman, in South Carolina, are entitled to and will receive the support of our people.

The condition of the Baltimore and Ohio Rail Road, and of the Chesapeake and Ohio Canal requires action on your part. The re-opening of these great works to traffic and travel is of immense importance, not only to the people directly, but as bearing upon the future of our financial resources.—The Statement made by the President of the Baltimore and Ohio Rail Road Company is herewith submitted.

Other topics, of less importance, not necessarily requiring immediate attention, will be presented in detail in my communication to you at the opening of your regular session.

In conclusion, Gentlemen, I congratulate you, and the people of the State, upon the immunity we have enjoyed from the dreadful evils which have fallen upon some of the other States. While carnage and desolation have stalked through Virginia, Kentucky and Missouri, we here in Maryland have had no battle fields, no wanton destruction of homes, no outrages upon helpless women and children.

True, in every section of the State rancor and deadly hatred, and in some cases, even judicial persecution—have been openly indulged against those whose only offence is loyalty to the

Government. But this hatred, bitterness, and persecution have not yet culminated in bloodshed. The tread of hostile armies has not interfered with the calling of the husbandman, but the earth has yielded more bountifully than ever before.

If the thunders of artillery can be heard upon our borders, if our industrial pursuits have been prostrated to some extent by the national calamity, we have yet had peace in our midst. By the blessing of Heaven we have been spared the dreadful evils and horrors inseparably connected with war. For all this we have abundant reason to be thankful.

And in view of this we can yet afford to pardon those who shall now cease from laboring, with a zeal worthy of a better cause, to stir up discord within our State, to array brother against brother, and son against father.

It is with you to efface whatever of disloyalty has appeared upon our Legislative records. It is also with you to prove that Maryland is not only loyal but patriotic.

Whatever aid we can afford the Federal Government should be offered liberally, promptly, ungrudgingly. The perpetuity of the Government is at stake. Maryland wishes to do her whole duty, and her loyal sons have placed her honor in your keeping. I know you will not betray that trust.

May Heaven direct your labors, and may the day be not far distant when this parricidal war shall cease; when, in peace, the morning sun shall gild the bright folds of our flag again proudly floating in every State of a newly and more strongly cemented Union!

THOS. H. HICKS.

EXECUTIVE DEPARTMENT,
December 4, 1861.

DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

BALTIMORE AND OHIO RAILROAD,

President's Office, Baltimore, Nov. 30th, 1861.

To His Excellency, THOS. H. HICKS,

Governor of Maryland:

SIR:—In the multiplicity of engagements with which my time has been recently occupied, I omitted to send you a copy of the statement submitted by the Board of Directors to the annual meeting of the Stockholders of the Baltimore and Ohio Railroad Company, held on the 18th instant. I beg to hand you this statement herewith.

You will perceive, under the circumstances in which the Company is placed, the impossibility of making a regular and detailed report of its affairs for the past fiscal year. I trust, however, that ere long we may be enabled to present a full and accurate report.

I hope, in a short time, to have the pleasure of a personal interview with you, when I shall be able to inform you of the exertions which have been made to re-open the road, and of our prospects of attaining this most desirable result.

With great respect,

Your ob't. serv't,

J. W. GARRETT,

President.

OFFICE OF THE BALTIMORE AND OHIO RAILROAD CO.

Baltimore, October 1st, 1861.

The Charter of the Baltimore and Ohio Railroad Company makes it the duty of the President and Directors to exhibit to the regular Annual Meeting of the Stockholders, a clear and distinct statement of its affairs for the preceding year.

In accordance with this requirement, Annual Reports have heretofore been uniformly submitted.

On this occasion, however, the President and Directors find it impossible to accomplish the usual course, and, in view of the condition of the roads, and the circumstances affecting the entire business of the Company which are too well known to require recapitulation, are obliged to postpone the accustomed statement.

Whilst this delay has become a necessity from the destruction of the bridges and much other property of the Company, especially from Harpers Ferry to Cumberland, and the consequent cessation of the use of the main stem between those points, it is hoped that at an early period the entire line can be re-opened. So soon as this highly important result can be achieved, the Masters of Transportation, of Roads and of Machinery, will proceed to obtain the requisite data—to ascertain accurately the extent of damages; the state of supplies of the Road and of the Machinery, in order to prepare promptly the reports of their respective Departments.

To meet the unprecedented crisis and the difficulties by which the Company has been surrounded, prompt, vigorous and continued efforts have been made by the most careful and economical system in every branch of its affairs, to protect and promote the interests of the Company. Full preparation is also being made to restore our great artery for effective service at the earliest practicable moment.

It is gratifying and proper to inform the stockholders, that the first six months of the fiscal year, presented a large, satisfactory and profitable traffic, and that notwithstanding the interruption of its business, the large destruction of its property, and the grave and varied embarrassments complicating the management, the Board have been able to meet all the engagements of the Company, and expect to continue to maintain its credit and financial position at that high and reliable standard so important to all the great interests involved.

The full report of the affairs of the Company for the fiscal year, will be furnished as early as the requisite statistics shall be obtained.

By order of the Board,

JOHN W. GARRETT,

President.

Department of State,
Washington, October 14th, 1861.

To His Excellency, Thos. H. Hicks,
Governor of the State of Maryland:

Sir:—The present insurrection had not even revealed itself in arms, when disloyal citizens hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. These agents are known to have made their appeals to some of the more important States without success. It is not likely, however, that they will remain content with such refusals. Indeed, it is understood that they are industriously endeavoring to accomplish their disloyal purposes by degrees and indirection. Taking advantage of the embarrassments of Agriculture, Manufactures and Commerce in foreign countries, resulting from the insurrection they have inaugurated at home, they seek to involve our common country in controversies with States with which every public interest, and every interest of mankind, require that it shall remain in relations of peace, unity, and friendship.

I am able to state for your satisfaction, that the prospect of any such disturbance is now less serious than it has been at any previous period during the course of the insurrection. It is, nevertheless, necessary now, as it has hitherto been, to take every precaution that is possible to avert the evils of foreign war, to be superinduced upon those of civil commotion, which we are endeavoring to cure. One of the most obvious of such precautions is, that our ports and harbors on the seas and lakes should be in a condition of complete defense: for any nation may be said to voluntarily incur danger in tempestuous seasons when it fails to show that it has sheltered itself on every side from which the storm might possibly come.

The measures which the Executive can adopt in this emergency are such only as Congress has sanctioned, and for which it has provided. The President is putting forth the most diligent efforts to execute these measures, and we have the great satisfaction of seeing that these efforts, seconded by the favor, aid, and support of a loyal, patriotic, and self-sacrificing people, are rapidly bringing the military and naval forces of the United States into the highest state of efficiency. But Congress was chiefly absorbed, during its recent extra session, with those measures, and did not provide as amply as could be wished for the fortification of our sea and lake coasts. In

previous wars loyal States have applied themselves, by independent and separate activity, to support and aid the Federal Government in its arduous responsibilities. The same disposition has been manifested in a degree eminently honorable by all the loyal States during the present insurrection. In view of this fact, and relying upon the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration to the subject of the importance of perfecting the defenses of the State over which you preside, and to ask you to submit the subject to the consideration of the Legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made, with the concurrence of the Government, for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement. Should these suggestions be accepted, the President will direct proper agents of the Federal Government to confer with you, and to superintend, direct, and conduct the prosecution of the system of defense of your State.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.